

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

LG ORNAMENTALS, LLC
JAMES WHITFIELD LIVINGSTON

Debtors

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CASE NO. 20-03560-MH3-11
CASE NO. 20-03559-MH3-7

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 5/14/2021
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE HELD ON: 6/15/2021
at 9:00 a.m. by AT&T conference line number 1-888-363-4749, Access Code 4511038#

NOTICE OF MOTION FOR TURNOVER OF REAL PROPERTY

Robert H. Waldschmidt, Trustee/Attorney for Trustee, has asked the court for the above relief:

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your written response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Clerk's Intake Department at (615)736-5584.

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

3. You must also serve a copy of your response to Robert H. Waldschmidt at one of the following:

On Line: rhw@rhwlawoffice.com
U.S. Mail: P.O. Box 2828, Brentwood, TN 37024-2828
Fax: (615) 259-2179

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: 4/23/2021

/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT, #4657
Attorney for Trustee
P.O. Box 2828
Brentwood, TN 37024-2828
(615) 468-1020; (615) 259-2179 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Notice**, together with the **Motion** and proposed **Order**, were served on the parties listed on the attached matrix (consisting of debtor, debtor's counsel, all creditors and parties in interest), by regular mail, postage prepaid, by placing the envelopes containing the Notice, Motion, and Order in the U.S. Mail, and upon all parties receiving electronic notification, via ECF, on 4/23/2021.

Steven L. Lefkovitz
618 CHURCH ST STE 410
Nashville TN 37219

LG ORNAMENTALS, LLC
3904 HWY 31 E
Bethpage, TN 37022

Matthew R. Murphy
Smythe Huff & Murphy, PC
1222 16th Avenue South, Suite 301
Nashville, Tennessee 37212

James Livingston
PO BOX 91047
Nashville TN 37209

/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT

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IN RE:)
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LG ORNAMENTALS, LLC) CASE NO. 20-03560-MH3-11
JAMES WHITFIELD LIVINGSTON) CASE NO. 20-03559-MH3-7
)
Debtors)

MOTION FOR TURN OVER OF REAL PROPERTY

Comes now Robert H. Waldschmidt, Trustee for the Bankruptcy Estate of James Whitfield Livingston (“Trustee”) and moves that the Debtor, LG Ornaments, LLC (“Ornaments”) be directed to turn over to the Trustee the real property at 3904 Hwy 31E, Bethpage, Tennessee (the “Real Property”), to enable the Trustee to liquidate said Real Property for the benefit of the Bankruptcy Estate of James Whitfield Livingston.

The Trustee would further state the Real Property is property of the estate of James Whitfield Livingston, pursuant to 11 U.S.C. §541, and subject to administration by the Trustee.

The Trustee would further state:

- (1) Ornaments is in possession of the Real Property, but does not have a lease.
- (2) Ornaments has no legal basis to possess the Real Property.
- (3) Ornaments is not paying the mortgage against the Real Property.
- (4) Ornaments is not paying the real property taxes for said Real Property.
- (5) Ornaments is not paying rent for the use of the Real Property.
- (6) The equity in the Real Property is being continuously depleted by the use of the Real Property by Ornaments.

WHEREFORE, the Trustee prays for the entry of an order requiring Ornaments to turn over possession of said Real Property to the Trustee, authorizing the Trustee to proceed with marketing and selling the Real Property, and for such other and further relief as is just.

RESPECTFULLY SUBMITTED:

/s/ Robert H. Waldschmidt

ROBERT H. WALDSCHMIDT #4657

Attorney for Trustee for James Livingston

P.O. Box 2828

Brentwood, TN 37024-2828

615-468-1020 Fax: 615-259-2179

rhw@rhwlawoffice.com

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ORDER DIRECTING TURN OVER OF REAL PROPERTY

Upon the Motion of Robert H. Waldschmidt, Trustee for the Bankruptcy Estate of James Whitfield Livingston (“Trustee”), and for other cause to the Court shown;

IT IS HEREBY ORDERED that LG Ornamentals, LLC be, and is hereby directed to turn over to the Trustee the Real Property at 3904 Hwy 31E, Bethpage, Tennessee (the “Real Property”), to be administered by the Trustee in the Case of James Whitfield Livingston (Case No. 20-03559, pursuant to the liquidation procedures set forth in Chapter 7 of 11 U.S.C.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/Robert H Waldschmidt

ROBERT H. WALDSCHMIDT (#4657)

Attorney for Trustee for James Livingston
P.O. Box 2828
Brentwood, TN 37024-2828
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